

# **On the Role of Civil Society Organizations in the Inspection Panel Process.**

**A Single Case Study of the  
Uganda Transport Sector Development Project –  
Inspection Panel Case No. 98.**



**September 2016**

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## **Abstract**

The past 70 years, numerous projects financed by Development Finance Institutions (DFIs) affect millions of people and the environment worldwide. Appropriate functioning of Independent Accountability Mechanisms (IAMs) within the institutional structures of DFIs prove to be crucial to ensure that projects do not cause harm. Concerning the accountability mechanism of the World Bank (WB), the Inspection Panel (IP) provides a channel for the complaints of adversely affected people to hold the WB accountable for their activities.

Following up on this, the exploratory single case study of the IP-Case No. 98, the Uganda Transport Sector Development Project (TSDP) focuses on the currently applied procedures of the IP-Process by targeting restrictive conditions of the IP-Process.

Semi-structured expert-interviews, conducted during a two-month field research, have proven the involved CSOs had a high impact on the IP-Process by empowering the Project Affected People (PAP). Therefore, the paper recommends localizing and preparing CSOs through capacity building for a stronger involvement on all project levels. Moreover, the mandate of the IP should be extended and strengthened to address both, procedural dependencies as well as structural constraints.

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## Introduction

Notably, with regard to the number of ongoing projects of the WB since the IP's establishment in 1993, the IP has received only 117 requests (state as of January 16, 2017). The question is whether this can be attributed to widespread satisfaction with the WB projects or to constraints on a structural level. However, since 2003, too little attention has been paid to the IP-Cases, in particular from a political science perspective. It is thus still unclear, if and how the practical implementation of the IP-Processes might have changed since that time. Therefore, the purpose of this paper<sup>1</sup> is to explore the process of the ongoing Inspection Panel Case No. 98, triggered by the Uganda Transport Sector Development Project ("the TSDP-Case"). The main questions in this paper are: *"Which Role do Civil Society Organizations (CSOs) play in empowering Claimants in the Inspection Panel Process, and which restrictive conditions are inherent in the existing Inspection Panel Procedures?"*.

Targeting the research question, this paper is structured as follows: The first section of this paper will examine the embedding of the TSDP-Case into national strategies and relations to other road constructions. In particular, targeted development goals will be examined and the Stakeholders identified. Based on project related documents as well as conducted interviews, the paper will precisely work out the progression of the TSDP-Case in a chronological sequence. Thereafter, the current status of the TSDP-Case will be presented. The paper closes by summarizing the key results and resulting policy recommendations.

## Fighting Poverty through Infrastructure Projects

The improvement of Uganda's economic conditions is targeted by strengthening its infrastructure. According to the WB as well as the Government of Uganda (GoU) an improved infrastructure leads to better transport services, hence improved connectivity in the country benefiting 90 percent of all passengers and freight. Moreover, it is expected to provide easier access to basic services such as schools and hospitals as well as to local markets and promises increased cross border trade (cf. WB 2015a: 1).

Based on this perception, the GoU published the National Transport Policy and Strategy (NTPS) which emphasizes the transport sector as a priority in 2002. Furthermore, according to the WB, Uganda needs to "structurally transform" its infrastructure and also increase productivity of the agriculture sector because over 80 percent of the Ugandan population live in rural areas and make their living as "smallholder farmers" (cf. WB 2011: 1). Who is included in the group of "smallholder

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<sup>1</sup> This paper is based on an eponymous unpublished Master Thesis of the author from September, 2016. The Master Thesis was supervised by Prof. Dr. Aram Ziai, Department of Development and Postcolonial Studies, University of Kassel.

farmers” can be questioned, since the WB tends to name and simplify not obvious western professions to homogenous groups e.g. farmers. As Ferguson (1994) demonstrates, the WB failed to differentiate and present the political and economic realities of its borrower countries by fading out historical reasons for power imbalances to justify their development goals (ibid.: 176ff.). The development of infrastructure is drawn by the WB also as the technical solution for Uganda’s demand for better conditions of its oil production<sup>2</sup>, because it “will change Uganda’s economic outlook” (WB 2010: i).

The National Development Plan (NDP) also takes its place alongside previously undertaken efforts to strengthen Ugandan’s infrastructure, especially related to roads “because of the strong bearing on rural agricultural production and hence poverty reduction” (WB 2011: 1). Related to this, road infrastructure plays a key role in achieving two of the four main goals of the WB’s Country Assistance Strategy (CAS), namely to promote inclusive and sustainable economic growth and to enhance public infrastructure (cf. WB 2010: ii).

## **Project Description, Its Objectives and Stakeholders**

Within this realm, the Executive Board of Directors (“the Board”) approved the original credit of US\$190 million from the International Development Association (IDA)<sup>3</sup>, on September 10, 2009. In accordance with the plans of the GoU and the WB the original credit of the TSDP aims to “improve the connectivity and efficiency of the transport sector” (WB 2011: 2). This should be reached by upgrading and rehabilitating national roads<sup>4</sup>, enhanced road safety, preparation of the Kampala Urban Transport Project and by supporting the Uganda National Road Authority (UNRA) through technical assistance and capacity building (cf. IP 2016a: 3).

The implementation progress of the original credit was “rated Satisfactory” in terms of the achievement of its PDOs (Project Development Objectives). Moreover, the latest procurement guidelines have been met by the borrower (cf. WB 2011: 2f.). Consequently, the Additional Financing, another Standard IDA Credit of U\$75 million, of the particular project (“the Project”) which is to be examined by this paper, was approved by the Board on May 14, 2011 (cf. IP 2015a: 1). The Project follows the PDOs of the original credit seamlessly (cf. WB 2011a: 2, IP 2016a: 3). While road constructions of the original project include the Gulu-Atiak road (74 km) and Vurra-Oraba road (85 km) (cf. WB 2011: 5), the focus of the Project in particular is to upgrade the road between Kamwenge and Fort Portal (66 km) to bitumen standard. The Project provides an important part

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<sup>2</sup> Since 2006, the UK-based Tullow Oil has made a series of oil discoveries in western Uganda. The total basin oil potential is at 2 billion barrels. This level of reserves would put Uganda into a peer group with Chad (0.9 billion barrels), Republic of Congo (1.9 billion), Equatorial Guinea (1.7 billion) and Gabon (3.2 billion) (WB 2010: 9).

<sup>3</sup> The IP is only allowed to investigate projects financed by the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).

<sup>4</sup> For an overview of the road constructions see Appendix 1.

“of the national road Nyakahita-Kazo-Ibanda-Kamwenge-Fort Portal<sup>5</sup> (209 km) and connects western Uganda to the Northern Corridor and the Trans-Africa Highway” (WB 2011: 1). It is “expected to further contribute to both macro- and micro-development” (JFCU 2015b: 3), and therefore of high importance for “socio-economic development” (IP 2016a: 11). On the one hand, the road of the Project enables the opening up of areas “of high agricultural potential” (WB 2011: 1). But on the other hand, the road includes a 13.3 km long section which crosses the Kibale National Park (KNP). However, the Project has been rated as category B; therefore, it was expected to have specific environmental issues which require a partial assessment (cf. WB 2011: i). The Project was expected to trigger the following Safeguards: Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Forests (OP/BP 4.36), Physical Cultural Resources (OP/BP 4.11) and Involuntary Resettlement (OP/BP 4.12) (ibid.: 3).

Linked to this, another objective of the original credit was to provide technical assistance to UNRA, which continues under the Project. UNRA was assigned to conduct the Environmental and Social Impact Assessment (ESIA) which was financed by the African Development Bank (AfDB) (cf. JFCU 2015b: 12). Since UNRA's weak organizational structures have been rated as a “major risk” (WB 2011: 3) it is also important to consider the role of UNRA, since they act as the implementing authority on the part of the GoU (cf. IP 2016a: 3, IP 2016b: 1). The civil works contractor for the 66km long road from Kamwenge to Fort Portal is the state-owned China Railways Seventh Group (“the Contractor”), and Gauff Ingenieure GmbH & Co. KG was recruited as the supervising engineer (“the Supervisor”).

Soon after road works had started on August 1, 2013, it should have become clear, however, that the outcomes of ESIA were insufficient and failed to serve their purpose to protect people and the environment from negative project impacts. The consequences that came along with these erroneous assessments and how this led to the cancellation of the Project will be traced in the next sections.

## Early Project Impacts and the First Request

Despite the ESIA and the Resettlement Action Plan<sup>6</sup> (RAP), “Bank missions have repeatedly found instances of noncompliance with environmental and social requirements” (WB 2015a: v, 23) since October 2013. From the onset of the Project, people were affected by inadequate resettlement practices and lacked information regarding their eligibility for compensation caused by a general absence of consultations (cf. IP 2016a: 15).

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<sup>5</sup> The first part (143 km section Kamwenge-Nyakita) was financed by the African Development Bank (AfDB). WB financed the remaining 66 km section (Kamwenge-Fort Portal) of the 209 km (cf. IP 2016a: 3).

<sup>6</sup> For the RAP see: <http://documents.worldbank.org/curated/en/116271468311057784/Resettlement-action-plan-for-Kamwenge-fort-portal-road>.

On the one hand, during the implementation of the road project, local people faced serious negative impacts such as child labor, poor labor practices, lack of road safety, underage sex and teenage pregnancy caused by the presence of road workers. Linked to this, people witnessed a growing number of school drop-outs, increased sex work along the project site and the spread of HIV/AIDS (cf. IP 2015a: 2f., JFCU 2015b: 7f.). As early as June 2014 the WB asked the GoU to stop all quarry operations and earthworks because of non-compliance with its Safeguards. This suspension was later nullified by the Supervisor without informing the WB (cf. WB 2015a: 23).

On the other hand, the road works came along with economic advancements and improvements for the individual lives of the local people. The road enables local people to access markets in the surrounding areas, it also makes it easier to get around as well as transport agricultural products and services. Moreover, the road provides safe access to schools and hospitals, especially for the rural areas, where over 80 percent of the population of Uganda resides.

Halfway through the road, the KNP, a touristic sight, would also benefit from improved access. The increased influx of people brings higher demand for hotels, restaurants, and even owners of small kiosks can feel the positive impact that comes along with the road. Therefore “you cannot underestimate the value that such a road brings to the community” (I4). To sum up, the Project came along with positive, mainly economic benefits, but also serious negative impacts, for individuals. These contrary impacts constitute a highly sensitive social setting which becomes relevant for the functioning of the IP-Process.

This sensitive setting was aggravated by the fact that the WB failed to install a project level grievance-redress mechanism (cf. JFCU 2015b: 9, IP 2016a: 15). PAP could not reach out to the WB itself for their complaints on a local level (cf. IP 2016a: 15). Therefore, the only chance for PAP to complain was to bring upcoming issues to the attention of the Contractor as well as to the UNRA. Individuals “had written so many times” (I1) but either their letters have been shunned or PAP received their stamped complaints, however, no measures were taken by the Stakeholders at this time (I1).

While PAP “were pushing for their issues to be heard” (I1) and they realized this gap between themselves and the Stakeholders of the Project (cf. IP 2016a: 15), “the whole village actually wanted to turn it into rowdy” (I3). By becoming aware that all these different issues have to be handled systematically to finally be heard by the authorities, PAP elected their own Grievance Redress Committee (GRC) which is consisting of nine people (I3). The GRC voluntarily recorded the negative impacts of the Project, and tried to encourage PAP to come out and speak. Among other issues, they listed cases of sexual abuse, teenage pregnancy and related effects such as school drop outs but also issues regarding compensation or road safety (cf. IP 2016a: 15, I3). However, a systematic feedback loop between the GRC and UNRA was non-existent (cf. IP 2016a: 15).

With a growing consciousness of their own rights, PAP started to look for anyone who would support them to receive information concerning the WB and its purposes of work (I2, I3). Finally, the PAP received information concerning the IP and how to use the IP-Process from the Bank Information Center (BIC) (I1, I3). On December 19, 2014 the First Request was handed in and signed by 28 community members of Bigodi in Uganda. Besides the mentioned negative effects, they claimed that they have never been consulted or involved in the planning, let alone having the chance to participate in reviews of the Project and its related impacts for the community (cf. IP 2015a: 7, JFCU 2015b: 7).

While numerous people were still supporting the Project, those how have been adversely affected were striving for reasonable compensation (I2). In reaction to the increase of complaints towards the Project, however, social tensions also came up. The reason was that those people who enjoyed the positive impacts of the road were afraid, complaints might negatively affect the road construction. These tensions also appeared by increasing political pressure at the local level. People were being accused of being proponents of government projects (I1, I3). As a result of this, PAP started to fear retaliation, moreover “it was now a battle between us who were actually acting on the behalf of the community and the people in authority” (I3).

### **Management Actions After the First Request**

In reaction to the First Request, the country manager of the WB met with the GoU, including the Ministry of Finance, Planning and Economic Development (MoFPED), Ministry of Works and Transport (MoWT) and UNRA to discuss the sexual misconduct allegations and how to implement measures to address retaliation on January 6, 2015 (cf. WB 2015a: 24).

As a result, a mission of the GoU to Bigodi was undertaken in early January 2015 led by MoFPED, accompanied by the WB. The 83 community members, who participated in a consultation meeting on January 9, 2015, denied sexual offences which according to the First Request were related to the road construction. The WB “insisted that the discussion should focus on compensation, employment opportunities, and safety during construction” (WB 2015a: 6). Additionally, the consultation had been poorly organized and failed to consider local characteristics in terms of dealing with sexual assaults involving children (cf. Donnan 2015). Consultants gathered women, children, old and young in one room and asked them: “Tell us, have you ever been sexually abused? Where did he touch? Of course they won’t answer” (I1).

By consulting local CSOs, they might have already known before the Project start that people in the project area did not feel free to talk about sexual exploitation, taking it rather as a “private issue” (I1), so “you can defile someone’s child and they say to keep quiet for the rest of the life, because they just want to protect the families name” (I1).



Problems such as child marriages and teenage pregnancies were already present, even before the Project started. The Local CSO Joy for Children Uganda (JFCU) but also World Vision were already engaged in the Kamwenge district and the Rwenzori region to address these kinds of issues (I1). Sensitive project planning and measures based on extensive consultations might have avoided worsening the situation. Similar circumstances also had a negative influence on fact finding missions. People, especially children below the age of 16 might not know how or where to report. Others are afraid or do not have the means in terms of money for transportation or electronic devices (I1, I2, I4).

However, the First Request was not registered by the IP. The IP argued that the First Request did not fulfil criterion c, which demands to confirm “that, prior to the submission of the Request, steps were taken to bring the concerns raised in the Request directly to the attention of Bank Management [Management of the World Bank], and that Management had a reasonable opportunity to respond” (IP 2014: 16). This might contradict with the fact, that the Management knew about serious problems related to the implementation works, immediately after road works had started in August 2013. They were also aware of the institutional weakness of UNRA even before the Project started. Moreover, they experienced deficits of project supervision from their missions in June 2014 (cf. WB 2015a: 23f.).

Another crucial point is the question whether the Management knew about raised allegations relating to sexual misconduct towards female workers. The Management maintained that they had not been aware and that “those [allegations] only came to the Bank’s attention for the first time with the December 2014 letter” (WB 2015a: v).

On this basis, the IP issued a Notice of Receipt on January 21, 2015. The decision not to register the First Request remains flawed by at least two reasons. Firstly, because of the seriousness of raised complaints and secondly, by the mere fact that the WB failed to establish a project level grievance-redress mechanism (cf. IP 2016a: 1).

In response to the complaints, the WB undertook five supervision missions between January and August 2015, but those in February and April also failed to get additional information regarding any sexual offences (cf. WB 2015a: 6, IP 2016a: 16). Efforts on the part of the WB and UNRA to implement environmental and social mitigation measures were recorded in an Action Plan, developed in February 2015 (cf. WB 2015a: 10).

As mentioned before, JFCU was already engaged in the surrounding of the project area. They had established groups which they met to discuss children’s rights issues since 2009. Prior to this, JFCU used radio programs to campaign for children’s rights in the Kabarole District. In this context, several people from the local community approached JFCU and reported project related problems to them, especially related to the children (I1, I4).

Financed by the BIC, JFCU got involved in the TSDP-Case by conducting a field research to mainly determine the impact of the road construction on children especially regarding sexual exploitation and abuse against girls (cf. JFCU 2015b: 4f., I1, I4). Basically, JFCU planned to disseminate the information in a workshop to enable Stakeholders of the Project to find solutions for raised problems (I1, I4). However, the WB stated that “JFCU did not pursue the idea of the workshop and did not get back to the Bank on the subject matter” (WB 2015a: 61).

Contrary to this, findings of the report seemed to cause some discomfort on the part of the WB. JFCU wrote letters to the GoU as well as to the WB, but they were not willing to meet with JFCU, they asked them to wait (I4). The WB first wanted to verify information they had received by the invitation of JFCU. JFCU even received a call from UNRA in reaction to the invitation stating that findings must be proven by another mission to the project area. In sum, the report was simply rejected by the Stakeholders because “the letter that came out from the government was not a very pleasing one” (I4).

Even when JFCU, the WB and UNRA came back from another field mission, they were still disagreeing because they had three different reports (I1). Consequently, the dissemination meeting was no longer pursued by JFCU because “whether implied or mentioned you can already start seeing the direction where the things are going and you don't need someone to give you official letter to say this is our position or not” (I4).

However, the report of JFCU was published in April 2015 and reported cases of sexual exploitation and abuse caused by the road workers. At this time, at least nine girls were pregnant by road workers (cf. JFCU 2015b: 7), and other girls were being attacked if they refused sex. Another group of girls “were also being recruited by third parties to provide sex for road construction supervisors” (JFCU 2015b: 8).

Immediately after publishing the report, the WB started to cooperate with JFCU, at least to a certain extent by keeping them updated on ongoing efforts (I1). The WB also invited JFCU on a joint mission with UNRA to the project area, seeking to find out more about local circumstances and to prove verified instances of sexual exploitation and abuse. The mission took place from May 25 - 28, 2015 and according to the WB, the community mentioned for the first time increased problems such as sex with minors and teenage pregnancies (cf. WB 2015a: 6ff., IP 2016a: 6). This could be achieved by following the advice of JFCU to categorize the participants in groups of women, children and men and so the WB was able to document a case of a girl defiled by a crane operator (I1, I4).

In reaction to that, the Management sent a letter to the MoFPED and UNRA, where it expressed its deep concerns and urged the prosecution of “several instances of road workers’ sexual misconduct involving minors and the sexual harassment of female employees” (WB 2015a: 20) on June 18, 2015.

Even if JFCU were not on the ground on a daily basis, they continued cooperating with the WB to a certain extent, in the time after the joint mission (I1). The WB and UNRA continued different field visits, so JFCU assumed things would go well because several actions took place after that.

On June 18, 2015 the country director of the WB Uganda prompted UNRA to implement mitigation measures addressing findings of the May mission (cf. WB 2015a: 4) and on July 13, 2015, an internal Back to Office Report (BTOR) confirmed sexual allegations linked to the road workers (cf. IP 2016a: 16). In the same month, the Contractor finally provided its Environmental and Social Management Plan (ESMP) to the WB, which pointed out in detail which social risk came along with the road works. The ESMP was supposed to be handed in before any road works started but the WB failed to demand for it or at least to take appropriate measures in regard to the failure of the Contractor (cf. WB 2015a: vii). The WB country office met with UNRA executive Director as well as with the MoWT to urge them to implement appropriate measures in July 2015. In August 2015 they shared a revised Action Plan, which was agreed with the Bigodi community (ibid.: 9f.). The Stakeholders seemed to be alerted, but PAP were still waiting for appropriate actions on the ground.

## **Second Request and Its Consequences**

The GRC on its part acted as an umbrella for the voiceless, trying to provide them opportunities to be heard, but without the necessary success as yet (I3). Two years after road works had started and nine months after sending the First Request, PAP still felt ignored by the Stakeholders (I1). The PAP realized that there seemed to be a gap between them and the WB, the people “who are coming with big cars” (I1).

But in the meantime the established GRC was well prepared, it was not even necessary to prepare them for the IP-Process, because they had everything they needed to get started (I1). They had even made videos of particular PAP “who were complaining, kids who were harassed, kids who were made pregnant” (I3). The PAP decided to write another letter to the IP (I3) and thus a more detailed Second Request was handed in by fifty-eight community members of Bigodi and Nyabubale-Nkingo, on September 11, 2015.

In comparison to the First Request, their allegations have not only been restated but extended. Moreover, the Requesters appointed JFCU to act on their behalf, to keep their identities confidential (cf. JFCU 2015a: 2ff.). At this time JFCU, BIC and World Vision helped PAP to overcome

barriers of communication by channeling and emphasizing their voices on the ground and amplifying them, because there was no channel through which they could send their grievances (I3), in more practical words:

“We don't have gadgets, we don't have computers, we don't even have smartphones, it's hard to hold. So it is actually very difficult for us to send an email, receive information. So those institutions were good for us to act as a bridge, [...] they would help us send the letters to them and receive through them” (I3).

On the other hand, social and political pressure on the local level increased and people feared retaliation (cf. WB 2015a: 16, I2), feared to speak, “even the people whose children were pregnant, somehow they withdrew back because they were asked to prove and prove and prove” (I4). These problems were well-known by the WB since the First Request in 2014 but still worsened with every day undermining raised issues (I3).

JFCU as well as the GRC faced negative impacts on the local level. They were accused by parts of the community and also local political leaders of bringing up issues that would disturb the Project, that benefits the community. JFCU as well as the GRC were blamed for being against development (I2, I4). That is why JFCU needed to act on the behalf of the PAP and finally, it was the Second Request which helped the WB to understand the problems that are on the ground and that they really must take action (I3). Consequently, the IP registered the Second Request on September 28, 2015, sent its Notice of Registration to the Management and informed the Board.

On that same day, another letter addressed to the MoFPED and UNRA reiterated the requirements of the June 18, 2015 letter. The letter demanded investigations and follow-up actions concerning “sexual misconduct involving minors and the sexual harassment of female employees” (WB 2015a: 20). The WB also sent a letter to GoU heavily criticising the shortcomings regarding the implementation process of the Action Plan. The letter stated for the first time that “under current conditions, withdrawals should be halted” (ibid.: 10). Obviously, the Second Request had some impact on the activities of the Stakeholders. Additionally, it also had a positive influence on the cooperation as well as on the involvement of JFCU, seen in terms of an increased responsiveness on the part of the Management (I1, I2).

After achieving the registration of the TSDP-Case, JFCU for its own part stayed in contact with so-called “survivors of violence”, accompanying pregnant girls to the hospitals and having discussions with headmasters to bring pregnant girls back to school. They did educational work in the community to raise awareness about the negative impacts and how to avoid the risks brought about by the road constructions. To sum up, JFCU provided extensive assistance in handling cases of sexual harassment and assaults (I2). Through its engagement in the project area, JFCU was able to build trust within the community, and an increasing number of cases were registered, even by the missions of the WB (I2).

According to the IP-Process the Management is supposed to send its Management Response within 21 days to the IP, but on October 01, 2015, they asked to postpone the submission to November 13, 2015 (cf. IP 2016a: 2). The delay was justified with substantial staff exchange on the part of UNRA as well as by “serious issues identified concerning the performance of the Project’s contractor” (ibid.: 2). The poor performance of the Contractor led to several fatal accidents. While trucks were being loaded by crane, it managed to come into contact with a power supply line. In that way two operators died due to electrocution in January 2014 and October 2015 (cf. WB 2015a: 19, I3). Another fatal accident occurred in May 2014, “in which a pedestrian was killed by a truck of the Contractor” (WB 2015a: 19).

These dramatic incidents are only the tip of the iceberg. One could ask why the discussed problems on all levels of the Project e.g. planning, implementation and supervision, were not enough to recognize the necessity and urgency of an immediate IP investigation to avert further harm? In the meantime, another mission led by the Ministry of Gender, Labour and Social Development (MoGLSD) faced rejection again; apparently “some of the community members, police and workers were unwilling to provide required information, especially on defilement and sexual harassment” (WB 2015a: 11, emphasis in original). However, the October Mission, where the WB consulted child experts, were able to verify more cases of teenage pregnancies caused by road workers (cf. IP 2016a: 16).

This mission also found that UNRA did not bring all fatalities related to the road construction to the attention of the WB. A security guard of the Contractor was accused of have being shot a driver, under suspicion of a theft. This could be taken from the accident log but neither the Contractor nor UNRA provided more information (cf. WB 2015a: 19). Another incident that occurred 15 km from Bigodi towards Kamwenge district was the drowning of a child in an excavation pit on the road (I3). This case was neither recorded in the accident log nor did the Contractor or UNRA inform the WB about it. This fatality only came up during the community consultations within the October mission (cf. WB 2015a: 19).

By acknowledging local circumstances in terms of fear of retaliation as well as gender related characteristics within the project area, the WB used “a modified approach to community consultations [...] to ensure that a wider range of voices was heard” (ibid.: 7). Finally, the WB was able to deepen its understanding of the TSDP-Case and realized that, “there are people who have actually failed to do their part on either side, the Government, UNRA and the Contractor” (I3).

In reaction to the findings of the October Mission, the WB found itself constrained to take action. On October 21, 2015, a Notice to Correct was sent by the Supervisor to the Contractor that urged them to remedy 36 instances which were “significantly related to the issues raised in the Request” (WB 2015a: 20, 27). One day later, on October 22, 2015 the WB suspended the Project “due to the

Borrower's noncompliance with its obligations to carry out the Project in conformity with appropriate environmental and social standards and practices" (WB 2015a: 27, emphasized in original). With regard to the IP-Process, it should be noted, that while the Project is suspended, the Management Response was still not issued. Even so, on October 30, 2015 the Management asked to postpone its Management Response for a second time to December 15, 2015 (cf. IP 2016a: 2). While these postponements may appear to be a result of negligence, for PAP, as well as their campaigners, these postponements translated into daily troubles and even security risks.

After the Project was suspended, political pressure increased on the part of JFCU, the GRC as well as on the PAP directly. JFCU was especially regarded as the organization which closed the Project, they were alleged to be Government opponents and therefore accused of trying to sabotage Government projects (I1). Staff members have been approached at all kind of meetings in the region, received countless calls and emails or were appealed even on the road where they were living and working, because there are well known, visible and accessible (I2). As described before and even witnessed by the WB itself, local people, policemen and politicians worried that a future cancellation of the Project might have negative effects on their lives and, therefore, they tried to avoid the disclosure of project related problems. Local politicians, for instance, were used to blame JFCU on the local radio broadcast (I1).

But the pressure and related challenges not only appeared on the local level. Different ministries were blaming JFCU for being responsible for the closure of the road without discussing the root causes and intentions of the study and related engagements. Therefore, JFCU was not sure about its next steps or if their organization would continue to operate in the future due to "politicians making statements to close the organization" (I4) and reminding it "this is government you are dealing with and these are trillions of Uganda Shillings that have been cut-off in development work" (I1). Therefore, it is not only the uncertainty or the daily struggles, but also the cooperation with Stakeholders in such projects that got them on their tiptoes (I1).

The continuing headwind which campaigners and PAP faced during this time might be at least partially linked to the presidential elections in February 2016, because "guys in the authority were defending the government to make sure the government is not looked at as being tilted not doing its work" (I3). Instead of seriously seeking to fix problems on the ground, UNRA put JFCU under high pressure by contacting them:

"I think I remember even the ED [Executive Director] of UNRA called us and was like, you know if they close this project it is not only Kamwenge-Fort Portal road it is other projects and I remember they played for us so many figures, the money that would have been lost" (I1).

All of this was not expected at all on the part of the campaigning CSOs. When JFCU did its study they thought their work would be over within a few months. Finally, it became a daily task for

almost two years and without with no accompanying increase in funds. Therefore, the TSDP-Case also came with challenges regarding their capacities (I2, I4).

The WB conducted another high level mission with representatives of the WB Country Office Uganda as well as WB specialists from Washington DC, which took place from November 19 - 24, 2015. A third case of sexual misconduct involving a minor girl could be confirmed and additional information regarding numerous other cases gathered (cf. WB 2015a: 7, 27). The WB also took efforts to assist UNRA to implement an anti-retaliation strategy (ibid.: 17). Another letter to the GoU on December 16, 2015, pointed out “that it remains immensely important [...] to address the concerns and potential harm, [and] a careful approach needs to be taken to protect all parties involved against retaliation” (WB 2015a: viii).

Two days later, on December 18, 2015, the Management submitted its Management Response where it acknowledges many of the raised issues as well as their seriousness. To name a few, supervision as well as mitigation measures identified by ESIA and ESMP were insufficient. Moreover, preparation and implementation of the Project failed to address the weak capacities of UNRA (cf. IP 2016a: 16), despite the previously mentioned fact that their organizational structures had already been rated as a “major risk” in 2011 (WB 2011: 3).

The Management stated that the WB is within the process of cancelling the Project because the Borrower did not take appropriate measures to correct its failures. The WB also stated that they will check their global project portfolio to identify whether even more projects are running with an involvement of the same Contractor and Supervisor. The attention of investigations is on sexual misconduct involving minors and child labor. Moreover, WB suspended all UNRA managed civil works excluding funds for technical assistance. This is because WB wants to sustain its access regarding capacity building measures as well as to ensure the implementation of measures to avoid retaliation (cf. WB 2015a: ix-x).

### **From the IP Eligibility Visit to the Fact Finding Mission**

The postponed submission of the Management Response had influence on the PAP not only in terms of keeping them in suspense (I1) but causing them the challenges described above. It also delayed the long overdue eligibility visit of the IP to the project area (cf. IP 2016a: 10). In theory, these visits serve to confirm the technical eligibility of a request. It is worth mentioning again that at this point, the Project was already within the process of cancellation.

Finally, the IP<sup>7</sup> went to Uganda from December 18 to December 21, 2015 (cf. IP 2016a: 10). Apart from meetings with the MoFPED, MoWT, UNRA and the WB Country Director, the IP visited several communities along the road, held meetings with JFCU, the GRC, the Requesters and other

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<sup>7</sup> IP Member Zeinab Bashir Elbakri, Executive Secretary Dilek Barlas and Operations Officer Tamara Milsztajn.

PAP (ibid.: 10). During the last day of the IP's eligibility visit, the WB cancelled the Project on December 21, 2015. One day later, the president of the WB issued a press release noting that "it is our obligation to properly supervise all investment projects to ensure that the poor and vulnerable are protected in our work. In this case, we did not" (WB 2015b).

The GoU reserves the right to use its own resources to finish the road (cf. IP 2016a: 16). Despite the fact that the WB verified that the raised concerns are linked to the Project and have to be handled, "the risks of serious harms for the community are likely to persist" (ibid.: 17). In the course of the portfolio review, on December 29, 2015, the WB suspended the Albertine Region Sustainable Development Project<sup>8</sup> (ARSDP) and The North Eastern Road - Corridor Asset Management Project<sup>9</sup> (NERAMP), also operated by UNRA (ibid.). During the next days, the IP authored its eligibility report including its recommendation to carry out an investigation, which was published on January 08, 2016. Issues which will be investigated have already been raised by the First and Second Request. Because of their extent and seriousness, they are outlined below:

"Sexual abuse with minors and impregnation of teenagers by road workers, increased sex work and spread of HIV/AIDS, sexual harassment of female employees, poor labor practices, lack of adequate road and occupational health and safety measures, child labor, school dropouts, lack of or inadequate resettlement compensation, fear of retaliation, lack of consultation and participation" (IP 2016b: 2).

These issues will be checked whether they can be linked to non-compliance of the WB. Moreover, the raised issues will be investigated with a focus on requirements on the part of the WB for gender, risk assessment, project design, appraisal and supervision (cf. IP 2016a: 17). On January 29, 2016<sup>10</sup>, the Board approved IP's recommendation to investigate (cf. IP 2016b: 1).

During the course of a continued IP-Process, the fear of retaliation was also waning. The progress achieved so far might have had a positive impact, hence led to increasing consent on the part of the GoU. This was illustrated in the realm of its election campaign, where the president of Uganda, Yoweri Museveni made district tours and also visited Bigodi. He spoke directly to PAP and discussed with local leaders, who still rejected the refinement process. This visit was crucial because the acknowledgment by Uganda's president Museveni and other government officials recognized the work of GRC, which had empowered the PAP (I2):

"It gave the GRC the strength and hope that we are not going to be prosecuted because the president instructed authorities to dig deep into this issue and after his departure we immediately saw action being taken. So, we felt secured because nobody is going to disturb us after all" (I3).

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<sup>8</sup> For project related information see: <http://www.worldbank.org/projects/P145101/uganda-albertine-region-sustainable-development-project?lang=en>.

<sup>9</sup> For project related information see: <http://www.worldbank.org/projects/P125590?lang=en>.

<sup>10</sup> The date was incorrectly stated in the source as January 29, 2015.



Two days after the approval of the Board, the IP published its Investigation Plan (IP 2016b), on February 01, 2015. After a phase of identifying interview partners as well as general preparations for the investigation the centerpiece of the IP-Process, the fact-finding field visit took place from March 28 to April 07, 2016.

Besides the interviews with the Stakeholders, the IP visited all of the community members who had signed the Second Request and discussed their individual complaints (I3). The IP visited the homes of those who had been harassed or abused. They visited the particular schools, from which pregnant girls had to drop out to discuss the issues with the headmasters and headmistresses (I3). They were really close to the PAP and could understand had what happened (I1), because, “what was on paper was really found on the ground” (I2). By this time the IP promised that their Investigation Report would be available in June 2016, but since they left Uganda, no further communication has taken place with the PAP (I3).

### **Current Status of the TSDP-Case**

The IP did its work and left the area several months ago, but most of the negative impacts of the Project still exist. The role of local active CSOs now is to stand with the PAP and continue its assistance (I4). A few children receive support from JFCU and World Vision, and they are still visiting PAP to check on them. They also continue to identify cases of sexual violence, provide assistance to them and try to implement mitigation strategies (I3).

JFCU is also involved in the development of project related mitigation strategies such as a new child protection policy as well as a HIV program which shall be implemented for future UNRA projects (I1). UNRA on their part, does not only acknowledge the cases of sexual violence by road workers, they also started identifying them and keeping JFCU informed. As of June 15, 2016, 25 cases have been recorded so far, but still with a rising trend (I1).

Even UNRA came to the ground to hold meetings and discussions with the PAP. JFCU and the GRC mainly attribute the positive trends to the new Executive Director Allen Kagina, who was appointed on May 01, 2015, shortly after the joint Report of JFCU and the BIC had been published. However, there are still many issues which have to be settled. To name only one, there are still delays concerning different kinds of compensation. According to the figures of October 2015, 3112 people have been negatively affected by the Project, and according to UNRA, 67% of the PAP have been compensated so far (cf. IP 2016a: 13f.). On August 11, 2016, the IP submitted its Investigation Report to the Board. The outcomes of the Investigation Reports play a crucial role for all the people involved, especially those who live in the project area. Even if retaliation could be diminished, at least to a certain extent, on the local level, there are still people who adamantly deny the necessity of the undertaken efforts (I3). Therefore, the situation of some individuals remains

uncertain until the IP Investigation Report is published<sup>11</sup> and establishes what happened on the ground precisely. PAP as well as their supporters use it “as a tool of defense against any prosecutor” (I3).

One of the Interviewees stated: “Actually, personally, me [...] need that report more than any other person. [...] So not until I get that report in my favor I still have doubts of being prosecuted here” (I3). The report will also show the people “where their rights start and where they end” (I3). Therefore, the outcomes of the described IP-Process remain hard to assess, “because it’s [also] very hard to say this food is going to be delicious when it’s still in the pan. Not until it’s served and you taste it, that’s when you say yeah this food is very delicious. So, we are waiting for the outcome of the report” (I3).

## Conclusion

This chapter will reflect on the conducted field visit in particular. Furthermore, it will summarize the key findings to answer the research question before naming factors which restrict them. Finally, it will suggest further research that might be based on the findings of this case study.

Institutional accountability plays a crucial role in avoiding negative project impacts which often come along within the scope of so-called development projects. The aim of this paper, therefore, was to work out recommendations for action that contribute to the shift towards people-centered IAMs, which consider the local characteristics and related individual challenges of PAP. To do so, this paper discusses the single Case Study of the TSDP and explores the functioning of the IP-Process in the context of the TSDP-Case. The Case Study provides insights into the current procedures of the IP-Process with a particular focus on the local characteristics of the project area based on the experience of involved CSOs.

The TSDP-Case emphasized that CSOs can be seen as political actors within the IR. Through their engagement in the IP-Process, JFCU as a local CSO became involved in the cooperation between the WB and the GoU. The Case Study also shows that JFCU’s engagement had notable impact on national affairs. They managed to translate the local complaints into political consequences which became visible in the cancellation of the Project and suspension of two additional ongoing road constructions. Moreover, through their research and cooperation with the BIC, they did advocacy work for the PAP and acted as agenda setters by paying attention to the rights of children as well as gender sensitive project planning and implementation.

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<sup>11</sup> The IP published its Investigation Report on November 22, 2016. The outcomes of the Investigation Report have not been considered in this paper. The latest Report and related documents are accessible on: <http://ewebapps.worldbank.org/apps/ip/Pages/ViewCase.aspx?CaseId=103> .

The TSDP-Case clearly demonstrated that JFCU is a positive example in regard to CSOs as political actors. This is because JFCU was successful in terms of empowering PAP by building trust within the community through their educational work. In particular, JFCU enabled them to get organized and channel their complaints. Furthermore, JFCU provided assistance to deal with cases of sexual misconduct, and also provided them with easier access to the IP-Process by acting on their behalf. As discussed before, PAP faced structural constraints caused by the criteria for eligibility. The current design of the criteria not only hampered the access to the IP-Process in terms of its practicality for PAP but also restricted the general mandate of the IP. In conclusion, then, it is clear that JFCU acted as a bridge between the PAP and the Stakeholders.

Having outlined the main arguments, this kind of influence was deemed necessary because the effectiveness in terms of a people-centered IP-Process turned out to be limited structurally as well as procedurally. This also became clear, because effective operation of the IP within the TSDP-Case was fragile due to its dependency on external influences such as the preparation by the Management. The failure of not installing a project-level grievance redress committee put the PAP at least in a difficult situation which also came along with fear of retaliation. Inadequate project supervision further worsened the situation for PAP, which could only be overcome by the support of JFCU and BIC. Even during the IP-Process, the Management negatively impacted the IP-Process with its procedural delays. Hence, it is very unlikely that the Second Request would have been registered without the engagement of JFCU.

As a consequence of its present mandate, the effectiveness of the IP is also structurally limited, because it neither has influence on the follow-up procedures after its findings, nor on reviewing developed mitigation measures. The important step to address non-compliance is still in the hands of the Management, the same people who failed to avoid it in the first place. Therefore, the mandate of the IP should be extended and strengthened to address both, procedural dependencies as well as structural constraints. Of course, the results of the TSDP-Case cannot be generalized, because the empirical findings herein are restricted to this one case only. However, valuable information about the current IP-Process has been presented.

Despite the fact that JFCU is only one CSO among many others, the TSDP-Case illustrates the impact that can be exerted by local CSOs. Nevertheless, this paper also worked out what it takes for PAP and local CSOs to demand institutional accountability on the ground. Since the TSDP-Case has not been completed yet, it still remains to be seen which actions will be taken by the Management to address negative impacts in reaction to the Investigation Report. Therefore, the IP-Process cannot be fully and finally evaluated at this point.

As the TSDP with its devastating consequences and extraordinary steps taken by the WB might have an influence on future IP-Cases, further research with regard to the TSDP-Case should also

focus on the relationship between the main stakeholders and the role of the IP. Moreover, narrative interviews with PAP and employees of the Contractor could contribute to a more differentiated perspective, especially with regard to local characteristics of the TSDP-Case. Further research should also explore the aftermath of the Project, to deliver more detailed knowledge that can be used to evaluate the TSDP-Case as a whole.

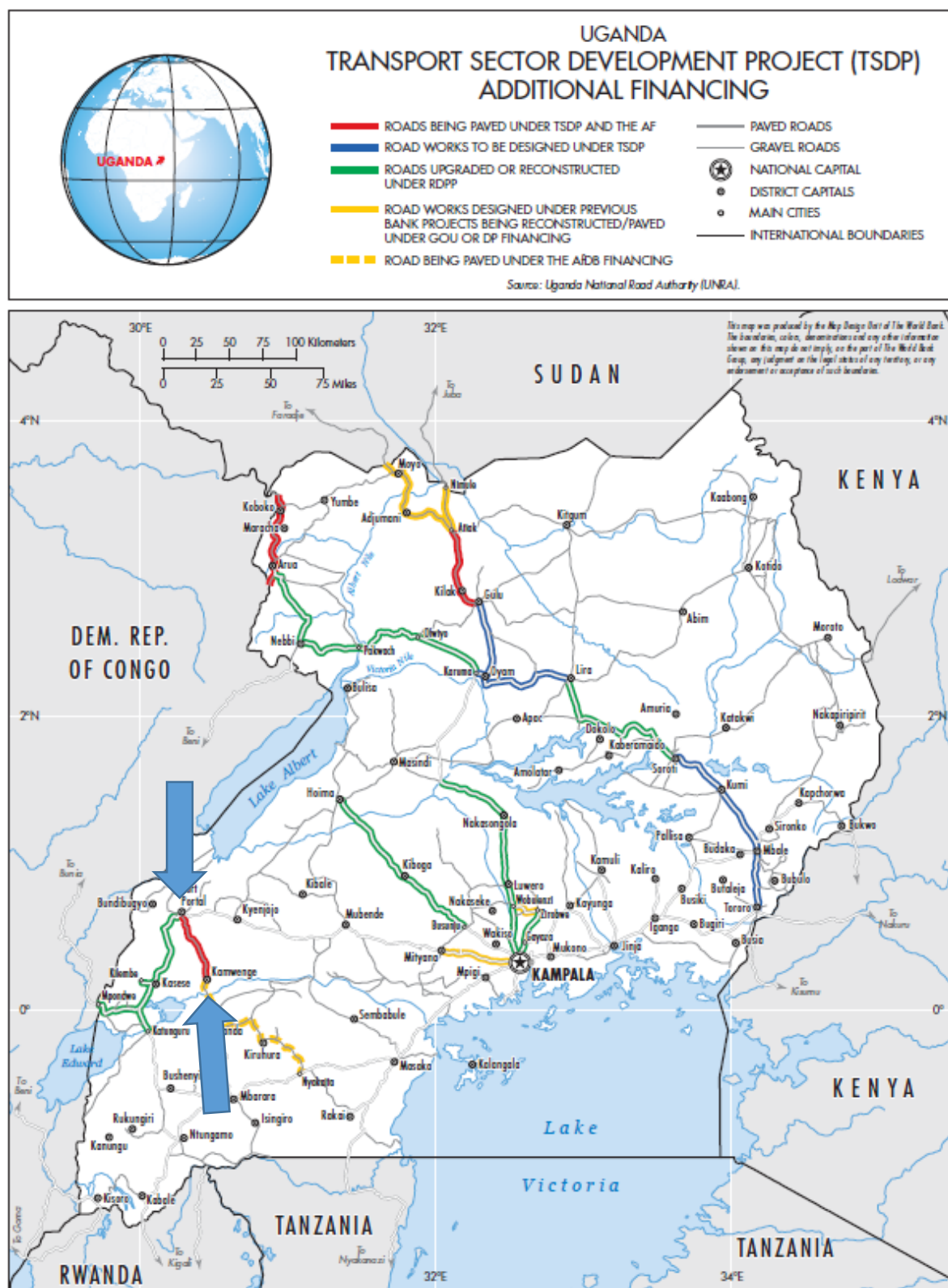
That the voices of the PAP have been heard has mainly been achieved by the efforts of a few individuals who dared to take risks and face possible personal disadvantages unprecedented in the current procedures of the IP-Process. As long as the IP-Process continues to adapt to surface changes of procedure only instead of structural ones, which broaden the scope and strengthen the position of the IP, negative consequences of further projects are likely to continue to occur and adversely affect the most vulnerable people.

The results of this case study in the context of the WB's 70-year experience of development work shed light on the imperative need to intensify the question why these projects consistently fail to fight poverty. By investigating a much wider range of so-called development projects, further research should always consider what projects such as the TSDP intend to do besides trying to help the poor (cf. Ferguson 1994: 180).

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## Appendix 1: Project Map



Source: WB 2011: 33 (blue arrows were subsequently added by the author)